Supreme Court, U.S.
FILED
MAY 10 2007
OFFICE OF THE CLERK

(3)

No.06-1211
In The
Supreme Court of the United States

IRVIN HANNIS CATLETT, JR.,
Petitioner,
v.
STATE OF MARYLAND
Respondent.

Petition for Writ of Certiorari
To The Court of Appeals
Of Maryland

PETITION FOR REHEARING

Irvin Hannis Catlett, Jr
12830 Travilah Road
Potomac, Maryland,20854
240-529-4989 Pro Se

QUESTIONS PRESENTED

Whether Worcester County, Maryland Circuit Court Judge Thomas Groton III erred by dismissing petitioners Motion to Dismiss for violations of the Interstate Detainer Act, Speedy Trial Rights, Fifth, Sixth, Eighth and Fourteenth Amendments and do these violations trigger immediate appeal under the Cohen Abney Standard relying on the final judgement rules Collateral Order Exception outweighs the State's right against review before judgment and or whether the removal of the Petitioner from the State of Maryland to Virginia prior to trying Petitioner on the underlying Maryland charges violated the Interstate Agreement of Detainer, the Sixth, Eighth and Fourteenth Amendments; and whether Judge Groton should have recused himself from that ruling as the majority of the asserted constitutional violations were directed at Judge Groton; and whether the Maryland Court of Special Appeals and the Maryland Court of Appeals erred by failing to reverse Judge Groton's order to dismiss Petitioner's Motion to Dismiss?

2. Does the Interstate Agreement on Detainers prevail when it conflicts with State law?

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THIS COURT IN ORDER TO ATTAIN THE ENDS OF JUSTICE PURSUANT TO THE FOURTEENTH AMENDMENT SHOULD REVISIT THE COURTS AND THE STATES ACTION IN CONCERT IN THEIR DIRECT VIOLATION OF THE INTERSTATE AGREEMENT ON DETAINERS IN PREJUDICE TO THE PETITIONER .

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ABLE OF AUTHORITIES CITED
IXTH AMENDENMENT
OURTEENTH AMENDENDENT

IARYLAND CORRECTIONAL SERVICES ARTICLE, 8-502.

IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR REHEARING.

Petitioner respectfully prays that a rehearing for the Petition for a Writ of Certiorari issue to review the Judgment below.
w

OPINIONS BELOW

The decision of the Supreme Court of the United States appears as Appendix A To the Petition.

GROUNDS FOR REHEARING

The Petitioner prays that the Court will rehear this case on the merits of intervening circumstances of a substantial effect not previously presented. The circumstances in question involves the failure of Judge Groton to recuse himself from the motion to dismiss that was directed at his unconstiutional actions against the petitioner.

Judge Groton blantanty dissregarded the directive of the Interstate Agreement on Detainers (Appendix D) to dismiss all charges against defendant for failure of the State to bring the defendant to trial within 120 days from thedate the IAD was filed (Appendix A)

The petitioner was detained and not brought to trial within 120 days, see hearing transcript (Appendix C)

At the very least, the Judge should have recused himself from the December 7, 2004, motion to dismiss, withdrawn the bench warrant and reduced the bail to its original personal recognizance status.

The Sixth Amendment demands a fair and speedy trail by an impartial jury, certainly the Petitioner should have been afforded the same impaartiality by the Judge.

The Fourteenth Amendment guarantees due process and equal protection under the law but where is the due process when Judge Groton failed to correct the glaring mistakes.

Based on the foregoing, the Petitioner could not have prevailed with his Motion to Dismiss, due to the bias Judge, Dismissal would have demanded censure of the Judge, and in efffect became a whitewashing of same.

Conclusion

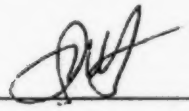
The court should grant this petition and have an evidentiary hearing concerning the bias acts of Judge Groton and his willfull disregard of the law.

Respectfully submitted,

Irvin Hannis Catlett , Jr.
12830 Travillah Road
Potomac Maryland 20854

CERTIFICATE OF COUNSEL

I, Irvin Hannis Catlett, Jr., here known as the Petitioner , hereby declare that this Petition for Rehearing before the Supreme Court of the United States is presented in good faith and not for delay.

Signed 

Dated 05/10/07

APPENDIX A

SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON, DC 20543-0001

William K. Suter
Clerk of the Court
(202) 479-3011

April 16, 2007

Mr. Irvin Hannis Catlett, Jr.
12830 Travilah Road
Potomac, MD 20854

Re: Irvin Hannis Catlett, Jr.
V.. Maryland
No. 06-1211

Dear Mr. Catlett:

The Court today entered the following order in the above-entitled case:

The petition for a writ of certiorari is denied.

Sincerely,
S/William K. Suter
William K. Suter, Clerk

Correctional Services Article, § 8-502. Request by inmate for final disposition.

(a) *Application of section.* — This section applies whenever the Division of Correction, the Patuxent Institution, or any local correctional facility receives notice of an untried indictment, information, warrant, or complaint against an inmate who:

(1) in the case of the Division of Correction, is serving a sentence in a correctional facility in the Division of Correction;

(2) in the case of the Patuxent Institution, is confined at the Patuxent Institution; or

(3) in the case of a local correctional facility, is serving a sentence in the local correctional facility.

(b) *Requirement for trial within specified time.* — An inmate shall be brought to trial within 120 days after the inmate has delivered a written request for a final disposition of the indictment, information, warrant, or complaint to:

(1) the State's Attorney of the county in which the indictment, information, warrant, or complaint is pending; and

(2) the appropriate court.

(c) *Statement of authorities having custody of inmate.* — The request for final disposition required under subsection (b) of this section shall be accompanied by a statement from the managing official having immediate supervision over the inmate setting forth:

(1) the inmate's term of confinement;

(2) the time already served;

(3) the time remaining to be served;

(4) the amount of diminution credits awarded for good conduct;

(5) the date of parole eligibility for the inmate; and

(6) the most recent decision of the Maryland Parole Commission or the Board of Review of the Patuxent Institution relating to the inmate.

(d) *Authority of court to grant a continuance.* — For good cause shown in open court, with the inmate or the inmate's counsel present, the court having jurisdiction of the matter may grant any necessary or reasonable continuance.

(1999 Repl. Vol.)

over 180 days actually in the other jurisdiction. Then after --

THE COURT: Let me ask you this. In order to avail yourself of the 180 days, you have to serve notification on the State's Attorney's office and the Court as to your place of incarceration and as to your request for a speedy disposition.

THE DEFENDANT: That's correct.

THE COURT: The file reveals that you served the State's Attorney's office but not the Court.

THE DEFENDANT: Actually, Your Honor, the Chief Judge of the District Court was the, in Exhibit 3 in both my motions --

THE COURT: Well, what may be an exhibit is not -- there is nothing in the file to indicate that you filed it in this file.

THE DEFENDANT: I understand.

THE COURT: And that's a fatal flaw. If you don't -- and I've got the case here somewhere if need be, but there is a case that is almost on point. The facts in that case were that the Defendant served the notice on the Court but not the State's Attorney's office.

THE DEFENDANT: Yes, sir, I am aware of that case.

APPENDIX C

BEST AVAILABLE COPY

THE COURT: And that was a fatal flaw, so the ruling was that, in fact, you couldn't avail yourself, or that Defendant couldn't avail himself of the 180 days because he did not serve the notice on the State's Attorney's office.

In this case, it wasn't served on the Circuit Court.

THE DEFENDANT: Your Honor, I think that's the mistake of the warden because I actually sent the paperwork to the warden for his forwarding to the various and sundry, the two departments.

My letter, my letter of request for certificate of inmate status to W.L. Smith, the warden at Montgomery County Detention Center, said pursuant to Interstate, or Intrastate, because this was an intrastate at this point, Detainer Act, Section 1, Article III, and 18 U.S.C.A., please complete in triplicate and attach one each of the certificate of inmate status, to be completed my request for disposition of inter or intrastate detainers.

THE COURT: Well, I don't know what his procedures are. I don't know what his obligations are. The only thing I can tell you, the fact remains it wasn't filed with the Court. So, for that reason, I will deny your motion to dismiss for violation of

Interstate Detainer Act. Now, if you want to get the violation of the Hicks Rule, the 180 days that is set forth in Maryland's Code, I'll hear you as to that violation.

THE DEFENDANT: Okay. As you are well aware now that I was found, I was brought here on a writ on January 7th or 8th.

THE COURT: Well, you understand the Hicks Rule comes into play, the time, the 180 days starts to run from your first appearance in court, the Defendant's first appearance in court, or an entry of appearance by an attorney. Do you understand that?

THE DEFENDANT: I was under the understanding it was my first appearance within the case, which --

THE COURT: Now, it's your first appearance in court.

THE DEFENDANT: I was -- my first appearance in court was the District Court of Maryland --

THE COURT: No, sir.

THE DEFENDANT: -- on January 8th.

THE COURT: It's your appearance in Circuit Court, is the 180 days for these cases.

THE DEFENDANT: Can you --

THE COURT: Your first appearance in 0819

over 180 days actually in the other jurisdiction. Then after --

THE COURT: Let me ask you this. In order to avail yourself of the 180 days, you have to serve notification on the State's Attorney's office and the Court as to your place of incarceration and as to your request for a speedy disposition.

THE DEFENDANT: That's correct.

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THE DEFENDANT: Yes, sir, I am aware of that case.

To: William Smith, Warden

From: Irvin Hannis Catlett, Jr. 0208148

Date: May 16th, 2003

Re: I.A.D.

Request for Certificate of Inmate Status

Pursuant to the Interstate/Intrastate agreement of Detainer Act, Section One, Article III and 18 USCA, Please complete in triplicate and attach one each of Certificate of Inmate Status to my completed request for disposition on Intra/Inter State Detainers, and forward to: Maryland State's Attorney
Worcester County
Snow Hill, MD 21863
Chief Judge of the District Court
For Worcester Count
Snow Hill, MD 21863
Return to writer for mailing. Failure to immediately comply with foregoing may result in civil or criminal violation of federal law. Govern yourself accordingly.

APPENDIX D

3/16/03

/S/ Irvin Hannis Catlett, Jr.
Irvin Hannis Catlett, Jr.
NCCF # 02 08148
22880 Whelan Lane
Boyds, MD 20841

Inmates Copy

Chief Judge of Worcester
County District Court

Filed 04 NOV 23 AM 9:28

REQUEST FOR DISPOSITION ON
INTRA/INTER STATE DETAINERS

To: Joel J. Todd STATE'S ATTORNEY, Worcester County, Maryland District Court, Worcester County, Maryland

And to all other prosecuting officers and courts of jurisdiction listed below from which indictments, warrants, information, or complaints are pending.

You are hereby notified that the undersigned is now imprisoned in:

Montgomery County Correctional Facility at Boyds, Maryland

And I hereby request that a final disposition be made of the following indictments, warrants, information's or complaints now pending against me:

CASE NUMBER00110003276823K03-000090

DATE DETAINER PLACED 03/31/03

Criminal Summons Served on or about 12/29/03

DETAINER PLACED BY: Maryland State Police

STATED CHARGES: Theft over $300 Theft by check and Uttering

Failure to take action will result in the invalidation of the indictments, information, warrants, or complaints.

I, hereby agree that this request will operate as a request-for final disposition of all untried indictments, warrants, information or complaints on the basis of which detainers have been lodged against me. I also agree that this request shall constitute consent by me to the production of my body in any court where my presence may be required and a further consent to be returned to the institution in which I am now confined.

If jurisdiction over this matter is properly in another agency, court or offices, please designate the proper agency, court or offices and return this form to sender.

The Certificate of Inmate Status is attached.

The inmate must indicate below whether he has counsel or wishes the court to appoint counsel for purpose of any proceeding preliminary to trial.

failure to list the name and address of counsel will be construed to indicate the inmates consent to the appointment of counsel by the appropriate court.

Inmate Initial A or B:

X A.My Counsel is: Irvin Hannis Catlett, Jr. Pro Se
Whose address is:

_____

B. I request the court to appoint

_____

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